

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-24-13

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 194 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

J. J. Hinojosa
Hinojosa, Chair

Brian Birdwell
Birdwell

H. Taylor
Taylor

Roger West
West

Zaffirini

On the part of the Senate
Zaffirini

Joe Farias
Joe Farias

Pal Guillen
Ryan Guillen

Rick Miller
Rick Miller

Kenneth Sheets
Kenneth Sheets

Jose Menendez
On the part of the House
Jose Menendez

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 194

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the consideration of ownership interests of disabled
3 veterans in determining whether a business is a historically
4 underutilized business for purposes of state contracting.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 2161.001(3), Government Code, is amended
7 to read as follows:

8 (3) "Economically disadvantaged person" means a
9 person who:

10 (A) is economically disadvantaged because of the
11 person's identification as a member of a certain group, including:

12 (i) Black Americans;

13 (ii) ~~()~~ Hispanic Americans;

14 (iii) ~~()~~ women;

15 (iv) ~~()~~ Asian Pacific Americans;

16 (v) ~~() and~~ Native Americans; ~~()~~ and

17 (vi) veterans as defined by 38 U.S.C.

18 Section 101(2) who have suffered at least a 20 percent

19 service-connected disability as defined by 38 U.S.C. Section

20 101(16); and

21 (B) ~~who~~ has suffered the effects of
22 discriminatory practices or other similar insidious circumstances
23 over which the person has no control.

24 SECTION 2. Section 2161.002, Government Code, is amended by

1 adding Subsection (d) to read as follows:

2 (d) The comptroller shall adopt rules to provide goals for
3 increasing the contract awards for the purchase of goods or
4 services by the commission and other state agencies to businesses
5 that qualify as historically underutilized businesses because the
6 businesses are owned or owned, operated, and controlled, as
7 applicable, wholly or partly by one or more veterans as defined by
8 38 U.S.C. Section 101(2) who have a service-connected disability as
9 defined by 38 U.S.C. Section 101(16). The goals established under
10 this subsection are in addition to the goals established under
11 Subsection (c) and the goals established under Subsection (c) may
12 not be reduced as a result of the establishment of goals under this
13 subsection.

14 SECTION 3. Section 2161.125, Government Code, is amended to
15 read as follows:

16 Sec. 2161.125. CATEGORIZATION OF HISTORICALLY
17 UNDERUTILIZED BUSINESSES [~~BY SEX, RACE, AND ETHNICITY~~]. The
18 comptroller, in cooperation with each state agency reporting under
19 this subchapter, shall categorize each historically underutilized
20 business included in a report under this subchapter by sex, race,
21 and ethnicity and by whether the business qualifies as a
22 historically underutilized business because it is owned or owned,
23 operated, and controlled, as applicable, wholly or partly by one or
24 more veterans as defined by 38 U.S.C. Section 101(2) who have
25 suffered at least a 20 percent service-connected disability as
26 defined by 38 U.S.C. Section 101(16).

27 SECTION 4. This Act takes effect September 1, 2013.

House Bill 194
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 2161.001(3), Government Code, is amended to read as follows:

(3) "Economically disadvantaged person" means a person who is economically disadvantaged because of the person's identification as a member of a certain group, including Black Americans, Hispanic Americans, women, Asian Pacific Americans, ~~and~~ Native Americans, and veterans as defined by 38 U.S.C. Section 101(2) who have suffered at least a 20 percent service-connected disability as defined by 38 U.S.C. Section 101(16), and who has suffered the effects of discriminatory practices or other similar insidious circumstances over which the person has no control.

SECTION 2. Section 2161.002, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The comptroller shall adopt rules to provide goals for increasing the contract awards for the purchase of goods or services by the commission and other state agencies to businesses that qualify as historically underutilized businesses because the businesses are owned or owned, operated, and controlled, as applicable, wholly or partly by one or more veterans as defined by 38 U.S.C. Section 101(2) who have a service-connected disability as defined by 38 U.S.C. Section 101(16). The goals established under this subsection are in addition to the goals established under Subsection (c) and the goals established under Subsection (c) may not be reduced as a result of the establishment of goals under this subsection.

SECTION 3. Section 2161.125, Government Code, is amended to read as follows:

SENATE VERSION (CS)

SECTION 1. Substantially same as House version.

No equivalent provision.

No equivalent provision.

CONFERENCE

SECTION 1. Substantially same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

House Bill 194
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Sec. 2161.125. CATEGORIZATION OF HISTORICALLY UNDERUTILIZED BUSINESSES [BY SEX, RACE, AND ETHNICITY]. The comptroller, in cooperation with each state agency reporting under this subchapter, shall categorize each historically underutilized business included in a report under this subchapter by sex, race, and ethnicity and by whether the business qualifies as a historically underutilized business because it is owned or owned, operated, and controlled, as applicable, wholly or partly by one or more veterans as defined by 38 U.S.C. Section 101(2) who have suffered at least a 20 percent service-connected disability as defined by 38 U.S.C. Section 101(16).

SECTION 4. (a) Unless expressly provided otherwise, if any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

(b) This section does not affect the power or duty of a court to ascertain and give effect to legislative intent concerning severability of this Act.

SECTION 5. This Act takes effect September 1, 2013.

No equivalent provision.

Same as Senate version.

SECTION 2. Same as House version.

SECTION 4. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB194 by Farias (Relating to the consideration of ownership interests of disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.), **Conference Committee Report**

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|---|
| No significant fiscal implication to the State is anticipated. |
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The bill would amend Chapter 2161 of the Government Code to add disabled veterans who have suffered at least a 20 percent service-connected disability to the definition of an "economically disadvantaged person" for the purpose of identifying a historically underutilized business (HUB). The bill would require the Comptroller of Public Accounts to adopt rules to provide goals for increasing the contract awards for purchases by state agencies from HUBs owned or owned, operated, and controlled, as applicable, wholly or partly by disabled veterans. The bill would also require the categorization of HUBs included in a report under Subchapter C of Chapter 2161 to include businesses owned or owned, operated and controlled by disabled veterans, in addition to existing categorizations by sex, race and ethnicity. The Comptroller estimates that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KJo, EP, LCO

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 194 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Jac Garcia
(name)

3-24-13
(date)